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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,147	08/31/2000	Yeon-Seung Ryu	P2027	4625

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CHA & REITER, LLC  
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PARAMUS, NJ 07652

EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/653,147

Applicant(s)

RYU, YEON-SEUNG

Examiner

Kimberly D Flynn

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This action is in response to an Amendment filed August 13, 2003. Claims 1-11 are presented for further consideration.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant (U.S. Patent No. 6,636,596; hereinafter Gallant).

In considering claims 1, 6, and 11, Gallant discloses a method for enabling a first terminal of a packet-based network to communicate with a second terminal accessible by a remote access server comprising the steps of:

registering the aliases and IP addresses of the first terminal and of the remote access server in a gatekeeper connected to the packet-based network (*The H.323 and H.245 protocols require that an endpoint terminal, of a network, register with the gatekeeper of that network. The aforementioned limitations are inherent features of the H.323 and H.245 protocols see. (col. 4, lines 29-32);*

transmitting from the first terminal to the gatekeeper a message for requesting a connection with the second terminal (*Fig. 3, and col. 4, lines 31-38*);

causing the remote access server to transmit a request over a circuit network to the second terminal to register the alias and the IP address of the second terminal in the gatekeeper (*Fig. 3 and col. 4, lines 39-53*); and

establishing communication between the first terminal and the second terminal via the gatekeeper (*Fig 3, and col. 4, lines 53-67 through col. 5, lines 1-4*).

In considering claims 5 and 10, Gallant discloses wherein the connection established between the first terminal and the second terminal further includes information associated with H.245 parameters. (*Gallant uses H.323 protocol (col.4, lines 29-31), which uses H.225 as the connection establishment protocol and H.245 as the control protocol between H.323 clients to establish a call*).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al. (U.S. Patent No. 6,636,596).

In considering claims 2 and 7, although Gallant discloses substantial features of the claimed invention, Gallant fails to specifically disclose transmitting a message containing the phone number of said second terminal and a predetermined response time period to said remote

access server. Nonetheless, the inclusion of a phone number and response time period would have been an obvious modification to the methods disclosed by Gallant, as it is well known in the art to provide a phone number of a requested entity, as well as predetermined threshold for attempting to contact the requested entity, for signaling in multimedia conferencing. It would have been obvious for a person having ordinary skills in the art to modify Gallant to include the step of transmitting a message containing the phone number of said second terminal and a predetermined response time period to said remote access server in order to initiate a conference call with a telephone number in case the requested entity only had audio capability.

In considering claims 3 and 8, Gallant discloses a method wherein the step (d) of causing said remote access server to request said second terminal to register comprises the steps of:

allowing said remote access server to connect with said second terminal (*Fig. 3 and col. 4, lines 39-53*);

allowing said second terminal register the alias and the IP address of said second terminal in said gatekeeper (*col. 4, lines 63-66*) and;

causing said gatekeeper to admit the registration of said second terminal (*col. 4, lines 65-67 and col. 5, lines 1-4*).

Although Gallant discloses substantial features of the claimed invention, Gallant fails to specifically disclose notifying the gatekeeper if the connection to the terminal is successful or unsuccessful. Nonetheless, the notification of whether the connection was successful or unsuccessful would have been an obvious modification to the methods disclosed by Gallant et al, as it is well known in the art to use acknowledgements (ACKs) and negative acknowledgements

(NACKs) for letting the sender of a connection request know if the request was successfully or unsuccessfully received. It would have been obvious for a person having ordinary skills in the art to modify Gallant et al to include the step of notifying the gatekeeper if the connection to the terminal is successful or unsuccessful in order to provide a mechanism for acknowledging a connection, thus avoiding the unnecessary transmittal of conference data if the connection is known to be unsuccessful.

In considering claims 4 and 9, Gallant discloses a method wherein said connection to said second terminal is unsuccessful when there is no available port or when said second terminal is busy [note: According to the TCP/IP protocol suite, a destination port needs to be available, free from any other established connections, in order to establish a connection with that destination device].

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

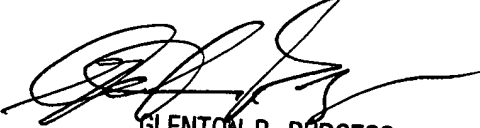
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
October 30, 2003



GLENTON B. BURGESS  
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